

THE EU BLACK SEA SYNERGY

An Analysis



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CONTENTS

Abbreviations	II
1 Introduction	1
2 Common Maritime Policy	7
2.1 General	7
2.2 The development of Maritime Policy	8
2.3 The Green Paper: integrated multidisciplinary approach towards the maritime policies.....	14
3 The Black Sea Region	16
3.1 General	16
3.2 Policies at the Black Sea	17
3.3 The institutional architecture of the Black Sea Region	21
3.4 Comparison with the Euro-Mediterranean Initiative	23
4 The context of the Black Sea Synergy	29
4.1 General	29
4.2 Pre-Black Sea Initiative	29
4.2.1 Priority sectors	30
4.2.2 Environment.....	30
4.2.3 Energy	33
4.2.4 Transport	35
4.3 Turkey and its contribution to the Black Sea Region	38
5 Concluding observations	41
References	47
Annex I	A
Annex II	B

ABBREVIATIONS

AIS	: The Automatic Identification System
BSEC	: Black Sea Economic Cooperation
BSEP	: Black Sea Environmental Programme
BS-SAP	: The Black Sea Strategic Action Plan
CBSN	: Chiefs of the Black Sea Navies
CS	: Classification Societies
CTP	: Common Transport Policy
DABLAS	: Danube-Black Sea Environmental Task Force
EBRD	: The European Bank for Reconstruction and Development
EC	: European Community
ECJ	: European Court of Justice
EEC	: European Economic Community
EIB	: European Investment Bank
EMAA	: Euro-Mediterranean Association Agreements
EMSA	: European Maritime Safety Agency
ENP	: European Neighbourhood Policy
EU	: European Union
FSR	: Flag States Responsibilities
GEF	: UN Global Environmental Facility

GNSS	: The Euro-Med Satellite Navigation Project
GUUAM	: Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova Organization for Democracy and Economic Development
ICPBS	: The International Commission for the Protection of the Black Sea
ILO	: International Labour Organisation
INOGATE	: Interstate Oil and Gas Transport to Europe
IMO	: International Maritime Organisation
ISPS Code	: International Ship and Port Facility Security Code
MARPOL	: International Convention for Prevention of Pollution from Ships
MOU	: Paris Memorandum of Understanding on Port State Control
NATO	: North Atlantic Treaty Organization
NRENs	: National Research and Education Networks
OSCE	: The Organization for Security and Co-operation in Europe
PCAs	: Partnership and Cooperation Agreements
PETra	: Pan European Transport Area
PHARE	: The Programme of Community aid to the countries of Central and Eastern Europe
RTAP	: Regional Transport Action Plan
PSC	: Port State Control
SAR	: Search and Rescue
SAFEMED	: Euro-med Cooperation on Maritime Safety and Prevention of Pollution from Ships

SafeSeaNet	: Safe Sea Network
SOLAS	: International Convention for the Safety of Life at Sea
TACIS	: Technical Aid to the Commonwealth of Independent States
TENs	: Trans European Networks
TEU	: EU Treaty
TRACECA	: Transport Corridor Europe-Caucasus-Asia
UN	: United Nations
USA	: United States of America
VTs	: Vessel Traffic Service
WTO	: World Trade Organisation

1 Introduction

The Black Sea is an enclosed sea, which is situated between Europe and Asia and is surrounded by Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine. It is connected to Aegean Sea, Mediterranean Sea and the world oceans through the Turkish Straits and the Sea of Marmara. In the north the Kerch Straits provides the connection with the Azov Sea.

The Black Sea region is extremely heterogeneous politically, economically, and culturally as well as in shapes and sizes of its countries. Despite the fact that each littoral state has their own diverse historical experience and cultural and socio-political structures, countries of the Black Sea region still have significant commonalities. The strategic environment of the Black Sea region has been shaped by the interaction of three factors: the power of European and Eurasian states and empires and their shifting balance; the political ambitions of smaller states and peoples directly affected by the actions of powers; and the status of the region as a transit route for goods on global east-west and north-south trade routes.¹ By the end of the nineteenth century, the Black Sea region had become a zone of growing commercial significance because of the rich natural resources. The coal deposits of the southern coast, the grain fields of the north, and the oil wells of Romania and the Caucasus attracted the investors and businessman. Increasing commercial activities in the region triggered the rapid development by the second half of the twentieth century. Today the region still maintains its importance in terms of rich natural resources, thus there are significant challenges, opportunities and risks in the Black Sea region.

Development of energy and transport sectors is the most significant economic-related issue. In the field of transport, all Black Sea countries are willing to identify the transportation infrastructure and developing multi-modal and regionally integrated transport network,

¹ King C. (2008), “The Wider Black Sea Region in the Twenty-First Century” in Hamilton D. and Mangott G.(eds.) *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Centre for Transatlantic Relations, Washington DC, p.5

since a good infrastructure is essential for trade and economic activity in the Black Sea area.

Apart from the strategic and commercial opportunities of the Black Sea, serious environmental changes and degradation occurred as negative effects of rapid development. There has been a substantial increase in the amount of oil and other goods transported through the Black Sea and Turkish Straits over the past decade. The increase in shipping traffic, amplified with the transport of Caspian oil, creates a potential risk for oil spills or other hazardous material in the Black Sea. Environmental degradation is the most pressing priority area for potential sub regional activity for all littoral states. In 1992 all six littoral states of the Black Sea signed the Bucharest Convention on environmental protection, in 1993 they agreed to establish conservation zones in the coastal areas of each state, coordinate antipollution policies in the river systems that pour into the Black Sea and share scientific information on pollution and biodiversity.

The Black Sea is not merely a huge habitat and economic area, not only the route of transport that keeps economy alive and not just a supplier of food, raw materials and energy it also constitute a large gateway for threats of all kinds. It is being located at the crossroads of the European, Eurasian and Middle Eastern security areas. It is an area of illicit trafficking of drugs and human and weapons, illegal migration, buccaneering, piracy, armed sea robbery etc. the Black Sea area should be protected against threats and challenges such as terrorism, organized crime, illegal trafficking and proliferation of weapons of mass destruction. In this context security issues are crucial for both littoral states and international organisations such as the European Union (EU) and North Atlantic Treaty Organization (NATO), which aim to make the areas beyond their external borders relatively stable, while attempting to address the demands for further enlargement from their new neighbours across Central Europe and the Black Sea region. BLACKSEAFOR (Black Sea Naval Cooperation Task Group) can be given as an important security mechanism which has considerable potential in terms of ensuring maritime security in the Black Sea and deepening interoperability among the littoral states. Transformation of BLACKSEAFOR and expansion of the scope of its activities to better contribute to global efforts in combating terrorism and proliferation of Weapons of Mass Destruction and

deter possible asymmetric threats in the Black Sea maritime area is an important agenda item of the BLACKSEAFOR. Operation Black Sea Harmony, is another security provider in the Black Sea maritime domain. It is closely affiliated with NATO and complements NATO's Operation Active Endeavour. This Operation has a multinational character. Turkey, the Russian Federation and Ukraine are parties to this operation. Romania also joined the Operation Black Sea Harmony fully, as of 31st March 2009. Security has utmost importance for enhancing peace and stability in the Black Sea area. However, security issues are the subject of another detailed research, thus it will not be the focus of this study.

These challenges, opportunities and risks have impelled countries towards the Black Sea region. Nowadays, the increasingly regular and intense contacts between different states on the one hand, and the EU and international organizations on the other, have influenced the selection of priority areas for potential sub regional activity.

The Black Sea region has been subject to international community and their legal measures. International Ship and Port Facility Security (ISPS) Code which requires cooperation between contracting governments, government agencies, local administrations and the shipping industry to detect maritime threats and take pro-active measures against those threats, International Convention for the Safety of Life at Sea Convention (SOLAS) which includes regulations concerning the safety of merchant ships, International Convention for the Prevention of Pollution from Ships (MARPOL) which recognise the Black Sea as a "special area"² can be given as examples of legal measures which is taken by international community. The Automatic Identification System (AIS) can be given as an example of primary practical international measure which is taken by international community to ensure safety and security at sea. It is designed to be capable of providing information about the ship to other ships and to coastal authorities automatically. It decreases the risk of collision as commercial vessels could see each other in any conditions of weather or visibility. Its aim is to provide competent authorities with a monitoring tool for supervision, statistics, risk analyses, search and rescue, port state control, security and other safety related tasks to ensure safe navigation in the crowded waters.

² Under the above Convention these "special areas" are provided with a higher level of protection than other areas of the world oceans and more stringent requirements towards ships apply.

The Black Sea region has been also subject to regional organisations. The Black Sea Economic Cooperation (BSEC)³ is an important form of regional organisation. It came into existence in 1992 to ensure peace, stability and prosperity encouraging friendly and good-neighbourly relations in the Black Sea region. It has managed to gather all Member States on the same platform and to develop a spirit of cooperation, providing a forum for constant dialogue and constructive exchange of fertile ideas and concrete proposals, among countries that do not always share similar points of view. Currently, the organization has two big projects of Black Sea cooperation. The first one is the building of a highway ring around the Black Sea, and the second one is the improvement of the motorways of the seas in the region. GUUAM (Georgia, Ukraine, Uzbekistan, Azerbaijan and Moldova) Organization for Democracy and Economic Development is other regional initiative in the Black Sea region. It was established in 1997.⁴ It aims to encourage cooperation in terms of energy security and democracy promotion in the Baltic-Black Sea area. It appears that in practice the impact of the organisation has been weak.⁵

The Black Sea is also an important area for the EU from both economic and strategic dimensions to develop its priority in west-east corridors. With regard to the energy sector the Black Sea region serves important opportunities because of its geographic location as a bridge to the energy rich countries of the Black Sea region. It is also important for the EU as a transit corridor. Thus the development of safe and efficient energy and transport corridors figures prominently on the Black Sea Synergy Initiative.

The EU need to develop clear policies regarding its neighbourhood to the east in the context of process of enlargement. To this end during the last decade it has promoted major bilateral, multilateral initiatives and specific programmes for the countries from the Black Sea area: i.e. DABLAS (environmental water protection) TRACECA (transport development), INOGATE (energy), the BAKU process (transport energy process) and

³ See web page, <http://www.bsec-organization.org> (05.07.2009)

⁴ During the Council of Europe meeting, the leaders of Azerbaijan, Georgia, Moldova and Ukraine issued a joint statement expressing their interest in the development of regional cooperation. See: <http://www.guuam.org> (11.07.2009)

⁵ Blockmans S. and Lazowski A. (eds.) (2006) *The European Union and Its Neighbours: A legal appraisal of the EU's policies of stabilisation, partnership and integration*, T.M.C. Asser Institute, The Hague, p. 587

NRENs and INCO (education and research) On 11 January 2007 with the accession of Bulgaria and Romania, EU officially entered the Black Sea. Then the first step towards the Black Sea policy was taken in the form of communication from the European Commission.⁶ The Communication of European Commission “Black Sea Synergy –A New Regional Co-operation Initiative,” issued on 11 April 2007 aims at increasing the EU involvement in further defining priorities and mechanisms at the regional level in order to address the significant opportunities and challenges in Black Sea area. The General Affairs Council of the EU made a decision in support of the communication, so that now the EU has a documented policy towards the Black Sea.

The Black Sea initiative does not possess a clear and distinctive profile from legal perspective. But it appears that three main legal subjects particularly relevant in this context.

Firstly, member states shall transpose, implement and enforce the whole *acquis communautaire*. The adoption of the EU legislation affects the division of competence between the Community and Member States and independent actions of Member States.

Secondly, The Commission’s Black Sea Synergy paper announced the opening of a new Black Sea policy for the EU. It follows in the path of a familiar logic of action in response to the EU’s territorial enlargement, namely to construct a certain regionalism around the EU’s newly extended periphery. It seems that the Black Sea initiative will add a multilateral regional dimension to the Eastern branch of the European Neighbourhood Policy (ENP), which since 2004 had so far been entirely built around bilateral activity with Moldova, Ukraine and the three South Caucasus countries.

Thirdly, EU maritime safety policy is closely linked to jurisdictional considerations in international law. International jurisdiction issues are fall outside the scope of this study.

Considering these theoretical and empirical discussions, the principal aim of this study is legal and institutional analysis of development of safe and efficient corridors in the Black Sea region in the context of EU Black Sea initiative. It is believed that an analysis focusing

⁶ COM (2007) 160 final

on the regional aspects of EU integrated maritime law in the context of development of safe and efficient transport corridors in Black Sea Region will be helpful, not only for assessing its legal framework of the Black Sea initiatives but also to analyse whether or not the EU has indeed respected regional bilateral and multilateral agreements and international law during its development process.

Within this context, the study consists five chapters. After the introduction, the second chapter introduces briefly chronological and legal review of common maritime policy of the EU. It is being analyzed to show the meaning of safe and efficient corridors to the EU as way towards EU Black Sea initiative.

Chapter three focuses on certain aspects of the Black Sea Synergy's design and comparative analysis between the Black Sea Synergy and the Mediterranean initiative with the aim of assessing legal and institutional framework of the Black Sea initiatives and evaluate strengths and weakness of the new initiatives.

Chapter four gives the results of the survey on the Black Sea Synergy paper and discuss three main subjects which are energy, transport and environment. Turkey and its contribution towards the region as a country play an important role in strengthening economic, political and cultural cooperation in the region are analyzed.

Finally Chapter five, as a conclusion, discusses the all above mentioned issues with an analytical view, and reaches the results regional cooperation in the Black Sea region is of vital importance in the promotion of creating a common political culture among the Black Sea littoral states. The enhancement of the BSEC-EU relations would be the first step towards the creation of an overall EU regional policy (dimension) concerning the wider Black Sea area, in order to coordinate all the relevant EU policies targeting this area. The new regional approach should target workable agenda for which the Commission should provide a detailed action plan envisaging concrete objectives, benchmarks and follow-up and constituting a basis for enhancing the EU's involvement in the region as well as intra-regional cooperation.

Chapter 2 Common Maritime Policy

2.1 General

Transport plays a significant role in the EU. Its character is considered not only as a major industry but also as an indispensable ancillary activity to other industrial sectors.⁷ Maritime transport is one of the main sectors of transport industry. Maritime transport is a sector, economically and environmentally of strategic significance for European economy. As it is clearly stated in the Commission's Green Paper on Maritime Policy⁸ the EU is dependent on maritime transport. EU's 90% of the external trade and over 40% of its internal trade is transported by sea.

However, it is a difficult sector to regulate at the community level. It is a sector characterized by remarkably high degree of institutionalization and politicization.⁹ The individual EU Member States had traditionally very different approaches to maritime transport and shipping and it is an industry with public service obligations. Thus the progressive transfer of competences from the national spheres towards the Community in matters related to regulation of maritime transport is considered an important development.

Since the inception of the EU maritime policy various directives and regulations have been adopted, covering a wide range of subjects, including port state control, classification societies, the transport of dangerous goods, the safety of passenger ships, ship reporting and monitoring rules and pollution sanctions and variety of proposals for EU rules on liability and compensation for damage caused by maritime incidents.

In this chapter a brief chronological and legal review of common maritime policy is being analyzed as way towards EU Black Sea initiative.

⁷ Greaves R.(2000), *EC Transport Law*, p.1

⁸ COM(2006) 275 final

⁹ Pallis, A.A. (2002), *The Common EU Maritime Transport Policy, Policy Europeanisation in the 1990s*, Asgate, p.7

2.2 The development of Maritime Policy

At the time of the signing of the Treaty of Rome the six founding Member States were not willing to involve the Community in maritime matters.¹⁰ Transport measures were used as an instrument of state economic policy. Thus the development of national transport policies evolved in very different ways, depending on geographical and economic conditions and policies of the states and transport policy remained mainly under the control of the Member States until the mid-1980s however the Common Transport Policy (CTP) was stated as one of the three common policies. (Article 3 of the EC Treaty requires the Community's activities to include "a common policy in the sphere of transport")

The early discussions were whether the creation a common market for transport services was an obligation imposed on the Community or was the obligation merely to adopt a CTP.¹¹ For a long time the Community's role in the field of transport in general and in maritime transport in particular, was uncertain. Apart from uncertainty, the competence that was transferred from the Member States to the European Community in respect of the transport as a whole was limited. Article 70 of EC Treaty only refers to CTP and stresses autonomy of the transport sector. The competence was limited by the aim to achieve a CTP. Article 74 states that the objectives of the Treaty with respect to transport shall be achieved within the framework of a CTP. The obligations laid upon the Council by Article 75(1) (a) and (b) of the Treaty included that of instituting freedom to provide services in the transport field and that the scope of that obligation was clearly defined by the Treaty itself. More particularly in respect of sea and air transport Article 80(2) limit the scope of CTP by stating that "the Council may, acting by a qualified majority, decide whether, to what extent and by what procedure appropriate provision may be laid down for sea and air transport.

¹⁰ Greaves, R.(1991), *Transport Law of the European Community*, European Community Law Series, Athlone, London,p.105; Ringbom, H. (2008), *EU Maritime Safety Policy and International Law*, Publication on Ocean Development Vol. 64, Martinus Nijhoff Publishers, Leiden, p.31

¹¹ Greaves R. (2000), p.3

The first document outlining the Commission's view on maritime policy was a Communication¹² which identified seven objectives, one of which was "to maintain and improve safety standards and the protection of the environment".

At the foundation of the European Economic Committee, there was no Community-wide maritime safety legislation. The necessity for such Community measure was not recognized until witnessing some major oil disasters in 1970s many of which occurred off the European coast.¹³ Then the Community began to act setting up some action plans. But till the second half of the 1980s the EU's dealing with the area of safety was not satisfactory. It is acknowledged that in the period from 1958 to 1985, the Community measures were adopted and the case law of the European Court of Justice (ECJ) did not constitute a common maritime policy.¹⁴ The rights and obligations of the Member States as flag, coastal and port states continued to be negotiated at an international level. Unilateral actions of its port states to ensure the enforcement of international standards were suspended.¹⁵ In 1982 a new instrument known as the Paris Memorandum of Understanding on Port State Control (MOU) was adopted and was, initially, signed by current EU port states (except Ireland) and Norway.¹⁶ The operation of the MOU was based on several principles. Some principles were of an administrative nature, while others were directed at the operational aspects of Port State Control (PSC). This memorandum covered safety of life at sea, prevention of pollution by ships, and living and working conditions on board ships. Contracting states made commitments to harmonise their PSC that is their system of inspection of the foreign

¹² COM (76) 341 final, In addition to the binding law specified in Art. 249 TEU, Commission has used a way of developing policy for example by using a communication. Communications provide guidance on the Commission's policy in particular fields but they have no binding force.

¹³ In 1978 with the 'Hague Memorandum' a number of maritime authorities in Western Europe dealt mainly with enforcement of shipboard living and working conditions, as required by ILO Convention no. 147. However, just as the Memorandum was about to come into effect, in March 1978, a massive oil spill occurred off the coast of Brittany (France), as a result of the grounding of the super tanker 'Amoco Cadiz'. This incident caused a strong political and public outcry in Europe for far more stringent regulations with regard to the safety of shipping.

¹⁴ Greaves, R. (1996) "EC's Maritime Transport Policy: a Retrospective View" in H. J. Bull and H. Stemshaug (eds.) *EC Shipping Policy*, The 17th Nordic Maritime Law Conference, Jurdisk Forlag, Oslo, p.19; Bredima-Savalapoulou A. & Tzoannos J. (1990), *The Common Shipping Policy of the EEC*, North Holland, Amsterdam, p. 113

¹⁵ Pallis A.A.(2002), p. 102

¹⁶ It entered into operation on 1 July 1982

flagged ships that visit ports under their jurisdiction, and in case of deficiencies to detain them until their correction of such deficiencies.

Then the year 1985 was a turning point for policy making in EC with respect to its maritime sector. Commission on the ground of both economic and environmental interest, expressed an increasing consideration of the extent to which some international rules needed to be modified. This was accompanied by suggestions for the use of the EU external relationships to help in the training of labour and maritime administrations around the world, and on the development of the PSC within the EU.¹⁷ Comprehensive memorandum and set of proposals for interlinked measures in support of that sector had been submitted to the Council by the Commission.¹⁸ In 1986 maritime legislative measures package which covers four maritime Regulations were adopted¹⁹. After these measures, the scope and depth of the particular EU policy widened. Discussions have shifted from the minimalist approach, which did not endorse the need for common initiatives, towards the consideration of a comprehensive EU policy.²⁰

In 1992 the Commission's White Paper represented the maritime safety as an independent objective of the Community's maritime transport policy and it was accepted that its development was directly linked to environmental protection.²¹

After two ship-source oil pollution accidents²² in European waters, the EU changed its maritime policy, particularly the safety policy in favour of a consolidated maritime policy²³ and published the Commission's Communication "A Common Policy for Safe Sea"²⁴ in

¹⁷ Pallis A.A.(2002), p.102

¹⁸ COM (85) 266 final, Bredima-Savalapoulou A. & Tzoannos J.(1990), p.113

¹⁹ OJ 1986 L 378; Regulations are the following; *Council Regulation No 4055/86 applying the principle of freedom to provide services to maritime transport between Member States and between Member States and third countries.*Council Regulation No 4056/86, laying down detailed rules for the application of article 85 and 86 of the Treaty to maritime transport. *Council Regulation No 4057/86, on unfair pricing practices in maritime transport.*Council Regulation No 4058/86, concerning coordinated action to safeguard free access to cargoes in ocean trades.

²⁰ Pallis A.A.(2002), p.1

²¹ COM(92) 494 final

²² "The Aegean Sea" on 3 December 1992 and "The Braer" on 5 January 1993

²³ Ringbom H.(2008), p.39

²⁴ COM (93) 66 final

February 1993 and Resolution on “A Common Policy for Safe Seas”²⁵ in June 1993. The policy was mainly based on;

- effective and uniform enforcement and implementation of international rules,
- improvement of maritime infrastructure, such as navigational aids, Vessel Traffic Service (VTS) and waste reception facilities in ports,
- cooperation with International Maritime Organisation (IMO) to ensure widest possible coverage of safety and pollution measures, but also use of EC legislation in cases where the IMO fails to meet the expectations of the Community.²⁶

After the presentation of the common policy, the majority of measures which had been proposed in Communication were adopted, namely new legislation covering matters such as classification societies, port state control, safety standards for passenger and fishing vessels, special management requirements for ro-ro vessels, and the education of seafarers.²⁷

Since the Erika accident in December 1999, scope and content of the maritime policy especially in the context of safety did not notably change. After the accident, it was analyzed that although all regulatory controls had been approved, the ship was nevertheless of insufficient structural strength, thus stricter safety rules need to be adopted. Unfortunately, less than three years after the Erika accident, the Prestige accident occurred.

Following the Erika and Prestige tanker disasters, Community legislation, measures and controls have been strengthened by implementation Erika 1 and Erika 2 packages. To improve maritime safety in the EU, further regulations have been made such as, banning and the gradual withdrawing of single-hull oil tankers, more controls in EU territorial waters and inspections in ports, the solid monitoring and strict enforcement of the

²⁵ OJ 1993 C 271

²⁶ Ringbom H.(2008), p.39

²⁷ Coleman, R. (1995) “European Transport Policy”, *Shipping Law Faces Europe: European Policy, Competition and Environment*, European Institute of Maritime and Transport Law, MAKLU-Bruylant-Jurdik&Samhälle, Antwerpen p.37-40

implementation of existing legislation, the creation of the European Maritime Safety Agency (EMSA).²⁸

On 23 November 2005 the Commission published its third Maritime Safety Package so-called Erika 3. On 11 March 2009, the third maritime safety package was adopted by the Community²⁹ This package consists of seven measures concerning flag State requirements, classification societies, port State control, traffic monitoring, accident investigation, liability of carriers, insurance. They are intended to supplement the European rules concerning maritime safety and to improve the efficiency of the existing measures.

Flag States Responsibilities

Flag States Responsibilities (FSR) that were represented as a “missing link” due to the lack of regulation on this subject have been regulated by the new Directive on compliance with flag state requirements.³⁰

It provides that all EU Member States shall effectively control that international standards are upheld by ships sailing under their flag and thus strengthens the application of international rules of maritime safety.

Classification Societies

Classification Societies (CS) is stated as fundamental element for maritime safety. Regarding the classification societies, a Regulation³¹ and a Directive³² were adopted with the aim of achieving a radical improvement in the quality of the work undertaken by classification societies. It is provided that, a specialized body will be set up in order to secure independent quality control regime which Member States can delegate the inspection and statutory certification of their ships.

²⁸ <http://www.emsa.europa.eu>, (23.06.2009)

²⁹ OJ 2009 L 131

³⁰ Directive 2009/21/EC on compliance with flag State requirements OJ 2009 L 131p.132

³¹ Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organizations, OJ 2009 L 131p.11

³² Directive 2009/15/EC on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations, OJ 2009 L 131p.47

Port State Control

A revision has been made to existing system of the Port State Control (PSC).³³ It is affirmed that PSC has fundamental importance to reinforce the inspection of the ships at European ports. It sets up a more stringent regime for substandard vessels and a new inspection regime with a full EU inspections coverage³⁴ The Directive also strengthens the Community's ability to push sub-standard ships out of European waters, making it possible to ban ships.

Vessel Traffic Monitoring-Assisting Ships in Distress

A directive on traffic monitoring has also been adopted.³⁵ It aims at assisting ships in distress. It stresses the responsibility of independent authorities and defines a clear and precise legal framework on refuge zones. The Directive also guarantees that all the Member States are interconnected via an EU-wide electronic system (SafeSeaNet). It is foreseen that an automatic identification system (AIS) be extended to fishing vessels over 15 meters, in order to reduce the risk of collisions at sea.

Accident Investigation

The aim of the new Directive³⁶ in this area is stated to set up a common the EU framework in order to guarantee the effectiveness, objectivity and transparency of enquiries following maritime accidents occurring in EU waters as well as involving EU flag ships or EU interests.

³³ Directive 2009/16/EC on port State control, OJ 2009 L 131p.57

³⁴ At the present coverage is 25%

³⁵ Directive 2009/17/EC amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, OJ 2009 L 131p.101

³⁶ Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, OJ 2009 L 131p.114

Liability of Carriers and Insurance

A Regulation on the liability of carriers³⁷ and a Directive on shipping insurance³⁸ introduces a set of new rules on liability and insurance which will benefit passengers travelling on the main European and domestic maritime routes.

The Directive on the insurance of shipowners for maritime claims requires that all ships flying the flag of a Member State (throughout the world) and all ships entering a maritime area under the jurisdiction of a Member State have insurance cover.

As briefly mentioned above, the EU has created a comprehensive regulatory system which exists between the national level of Member States' legislation and the international level composed of rules and standards adopted, mostly, by the International Maritime Organization (IMO). The new regulatory system sets a number of requirements that Member States have to meet such as the adoption and the implementation of legislation, building up institutional capacity etc.

2.3 The Green Paper: integrated multidisciplinary approach towards the maritime policies

All these efforts and safety measures should be seen in the wider context of the Commission's maritime policy. The EU has held a debate on a new maritime policy as set out in the Green Paper that was published 2006.³⁹ The Green Paper proposed a systematic and integrated multidisciplinary approach towards the maritime policies. The aim of the Green paper is expressly stated to be to integrate maritime policy from different sectors and to strike the right balance between the economic, social and environmental dimensions of sustainable development. It states that "at the core of a new maritime policy must be the building of a mutual understanding and a common vision among all the decision-makers and players of the various policies impacting on oceans and seas, including maritime transport and ports, fisheries, integrated coastal zone management, regional policy, energy

³⁷ Regulation (EC) No 392/2009 on the liability of carriers of passengers by sea in the event of accidents, OJ 2009 L 131p.24

³⁸ Directive 2009/20/EC on the insurance of shipowners for maritime claims, OJ 2009 L 131p.128

³⁹ COM(2006) 275 final

policy and marine research and technology policies.” It is also stated that, maritime safety policy plays a major role in the protection of marine environment.

The Green paper is analyzed as a paper that confirms a growing trend to consolidate the EU’s Maritime policy in a more international direction, based on implementation of maritime safety rules rather than the development of separate regional standards.⁴⁰

Apart from EU’s debate on a new general maritime policy, a new regional co-operation initiative, “Black Sea Synergy” was issued on 11 April 2007. It aims at increasing the EU involvement in further defining priorities and mechanisms at the regional level in order to address the “significant opportunities and challenges in Black Sea area.”

⁴⁰ Ringbom H.(2008), p.51

Chapter 3 The Black Sea Region

3.1 General

The Black Sea area is a new region for the EU, combining various interests of considerable importance. The region is extremely heterogeneous politically, economically and culturally and in shapes and sizes of its countries.

Due to its geographical position at the junction between Europe and Asia, The Black Sea is by nature a transit area. As such, the region has long-standing links with both Europe and the Middle East, and is the most direct route linking Europe and Central Asia. As a result of its geographical position, it is also of strategic importance from military point of view.

The economic potential of the Black Sea region is substantial and is growing following the region's opening up to the world economy. Energy sources of the Caspian Basin and Central Asia and the sea transport of energy by pipelines or tankers, creates economic opportunities. The area is also an important market for EU ports and the littoral states of the Black Sea. All these developments are also in the interest of both the public and private sectors, and will often depend on close co-operation across borders.

On the other hand, it is a region with a number of new maritime safety and security challenges such as risk of accidentally oil spills, illegal discharge, environmental degradation, illegal fishing/over hunting, buccaneering, piracy, armed sea robbery, human and arms trafficking and with political problems such as unresolved frozen conflicts.

All types of sea transport create both economic opportunities and raises concerns from the perspective of safety and potential environmental impacts of accidents. Thus another practical and also theoretical challenge is that to develop safe and at the same time efficient transport corridors in the Black Sea area, since one of the main hinder to the effectiveness of the transport sector is road safety.

The increase of such challenges in both national and international maritime waters threatens the interests of not only regional states but also non-regional states. It is obvious

that to solve all the problems are required more efforts by individual littoral states, regional organizations and the international community.

The purpose of the present chapter is to highlight and analyze a certain aspect of the Black Sea Synergy's design in this area and make a comparison between Mediterranean and the Black Sea initiatives. In this respect it is a challenge and a peculiar phenomenon because, from a legal perspective, it does not possess a clear and distinctive profile. The initiative is being developed mainly on a bilateral level but also with additional multilateral frameworks.

3.2 Policies at the Black Sea

Economic and social well-being of the region is the common and over-arching goal and common interest for all littoral-non littoral states and other dynamics in the Black Sea region. One of the main ideas there is that economic development of the region would strengthen peace and stability which is also another important common goal for all. It is obvious that not only the stability but also co-operation in the spheres of economy, energy, tourism, transport, culture and education is crucial there. Instruments that would ensure economic and social development, cooperation and improve the peace and stability can be promoted in the region through different means.

The EU has at its foundation economic integration, as specified in the Treaty of Rome. It's now more than an economic Union, but a sui generis entity with its current structure. Establishing such a prosperous Union also necessitates economic and political dialogue and cooperation with neighbouring regions and countries. The European Neighbourhood Policy (ENP) is a policy which response to this situation. The ENP was first outlined in a Commission Communication on Wider Europe⁴¹ in March 2003, followed by a more developed Strategy Paper on the European Neighbourhood Policy⁴² published in May 2004 with the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours and instead strengthening the prosperity, stability and security of all

⁴¹ COM (2003) 104 final

⁴² COM (2004) 373 final

concerned. In 2006 the Commission communication on “Strengthening the ENP”⁴³ which allows measuring progress made in policy implementation and comparing shifts in the overall rationale and justification of policy design is published. The general aims of the ENP are to engage with its neighbour countries and to develop political links and economic integration with the Union. The main instrument is a series of Action Plan negotiated with each of the partner countries. These plans, which are bolstered by financial and technical assistance, cover political dialogue, economic and social reform, trade, co-operation in justice and security, transport, energy, environment etc. The EU reached out to a number of countries in the Black Sea within the framework of the ENP - foremost to Georgia and Ukraine, but in a wider circle also to Armenia, Azerbaijan and Moldova.⁴⁴ The ENP system, like the Accession Partnership, implies that its neighbours will take over many European regulations, a large part of the so-called “acquis”. But unlike the Accession Partnership, the ENP does not imply EU membership.⁴⁵

The Lisbon Treaty (The Reform Treaty)⁴⁶ which gives a legal basis to the international role of the EU and its neighbourhood policy by introducing a new article 7A in to the EU Treaty (TEU) must be taken into account in a debate on the EU’s new initiative in the Black Sea area. Article 7A par. 1 of TEU states that, “the Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterized by close and peaceful relations based on co-operation.” Lisbon Treaty has simplified the basic structure of the EU and given its own legal personality and independent corporate existence (The new Article 46A). Legal personality allows it to adhere to international conventions and including specific agreement with neighbouring countries (Article 7A par. 2) in the name

⁴³ COM (2006) 726 final

⁴⁴ Georgia, Armenia and Azerbaijan is included in the coverage of ENP by a decision of the EU Council of Ministers in June 2004. The bilateral ENP Action Plans with those countries were endorsed on 10th of November 2006.

⁴⁵ Avery G. (2007), “The European Union’s Neighbourhood Policy: Progress and Prospects” in Nikolov K. Y. (ed.) *Europe on the Black Sea Shore: Opportunities and Challenges for Bulgaria*, Bulgarian European Community Studies Association (BECSA), Sofia, p.25

⁴⁶ It is signed by the Heads of State or Government of the 27 Member States in Lisbon on 13 December 2007, The final text of the Treaty of Lisbon is available at:
<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2007:306:SOM:EN:HTML> (29.06.2009)

of the Union. The distinction between EC and EU agreements has been abolished. This makes it possible for the EU to operate more effectively in international affairs.⁴⁷

It was the momentum of the accession of Bulgaria and Romania to the EU on 1 January 2007 that allowed the EU to adopt a regional cooperation initiative titled “Black Sea Synergy”. It follows in the path of a familiar logic of action in response to the EU’s territorial enlargement, namely to construct a certain regionalism around the EU’s newly extended periphery.

If the initiative is accepted only as a neighbourhood policy, it may limit the instruments of the Black Sea policy only to those available to the new neighbour countries -the three Caucasian countries (Georgia, Azerbaijan, Armenia), Ukraine and Moldova, and may exclude Russia and Turkey. Thus, apart from the Neighbourhood policy, the EU has mainly three different types of policies in the Black Sea area.

- The EU internal policies in Bulgaria and Romania as a Member States,
- The policy of strategic partnership with Russia,
- The policy towards acceding countries such as Turkey.

Bulgaria and Romania are the only Black Sea States that have integrated into the EU. They became a part of EU with the aim to participate not only in the common market, but also in the common policies of the EU. In the EU system a new layer is added on top of the vertical interaction between the nationality and European level of policy making that is interdependence between internal EU policies and external policies.⁴⁸ It is very important to define what role those countries will play and what value it will bring along in the Black Sea initiative. It appears that the role of new the Black Sea coastal Member States’ role is not well studied in the Black Sea Synergy.

⁴⁷Terpan F. (2008), “Will Changes Made by the Lisbon Treaty in the Field of Foreign Affairs and Security Make the ENP More Efficient and Effective” in Nikolov K. Y. (ed.) (2008) *The European Neighbourhood Policy: Time to Deliver*, Bulgarian European Community Studies Association (BECSA), Sofia, p.26

⁴⁸ Nikolov K. Y. (2007), “Black Sea Regional Cooperation and Bulgaria: Context, Concepts and Actors” in Nikolov K. Y. (ed.) *Europe on the Black Sea Shore: Opportunities and Challenges for Bulgaria*, Bulgarian European Community Studies Association (BECSA), Sofia, p.48

Russia is the EU's third biggest trade partner, with Russian supplies of oil and gas making up a large percentage of Russia's exports to Europe. Russia has monopolistic position in this regard. Relations between Russia and EU are based on bilateral tradition. Recently Russia is moving away from Europe in terms of values rather than closer to it. In the Black Sea Synergy the EU's energy supply diversification through investment in a new trans-Caspian trans-Black Sea corridor implicitly appears an active measure to undermine Russia's monopolistic position.⁴⁹

Turkey's relations with the EU started on the basis of a partnership regime established by the Ankara Agreement which was signed with the European Community on 12 September 1963. Turkey was given "candidate status" during the Helsinki Summit on 10-11 December, 1999. Turkey's EU accession negotiations were launched on 20 October 2005 in accordance with the decision taken at the Luxembourg Intergovernmental Conference. Turkey has played important role in strengthening economic, political and cultural cooperation in the Black Sea region. In this context accession policy becomes important in that region. As a matter of fact, the Black Sea synergy highlighted the importance of accession policy.

The new initiative is called "synergy" and not "policy" since the policies are already in place and they need to be made the best synergies. Challenges arise from the fact that EU has to combine together four different types of policies, since the inclusion of some issues can impede the implementation of other parts of the initiative.

The development of EU's the Black Sea initiative is based on bilateral tradition. But it is also add multilateral regional dimension to the Eastern branch of the European Neighbourhood Policy (ENP), which since 2004 had so far been entirely built around bilateral activity with Moldova, Ukraine and the three South Caucasus countries.⁵⁰

⁴⁹ Emerson, M. (2008) *The EU's New Black Sea Policy: What kind of regionalism is this?* CEPS Working Document, No.297, Centre for European Policy Studies: Brussels.p.7

⁵⁰ *ibid*, p.1

3.3 The institutional architecture of the Black Sea Region

The Black Sea is a huge economic and strategic area, and important the transport route that keeps economy alive. Because of its economic and strategic role as a transport corridor, the wider Black sea region has many players: littoral states of Black Sea as “local players”, USA, EU, China and Iran as influential “external players”, BSEC, GUAM-Organization for Democracy and Economic Development, Black Sea Forum as “regional intergovernmental players”, Organization for Security and Cooperation in Europe (OSCE), United Nations(UN), NATO, Council of Europe as “global intergovernmental players”, various non-governmental organizations and multinational companies. The existing mechanisms in the region, such as the BSEC, BLACKSEAFOR, Operation Black Sea Harmony, Black Sea Coast and Border Guards Cooperation Forum, Black Sea Border Coordination and Information Centre Initiative, Confidence and Security Building Measures in the Naval Field in the Black Sea and Black Sea Commission⁵¹ testify to the fact that the spirit and tradition of regional cooperation have well taken root among the countries of the region.

BSEC is the most comprehensive and full-fledged organization. There are some other organizations and initiatives in the political or environmental sphere, but BSEC distinguishes itself from the others with its established institutional framework, wider coverage of areas of cooperation, and above all, with its inclusiveness.

The idea of a regional organisation was conceived by Turkey at the end of 1990. After the some littoral states expressed their interest in economic cooperation in that region, negotiations began on technical matters.⁵² Finally, BSEC came into existence on 25 June 1992 the Heads of State and Government of eleven countries⁵³ by signing the Submit Declaration as a unique model of multilateral political and economic initiative aimed at fostering interaction and harmony among the Member States, as well as to ensure peace, stability and prosperity encouraging friendly and good-neighbourly relations in the Black Sea region. It has created a comprehensive institutional structure-ministerial council, a

⁵¹ It is the body responsible for implementing the “Convention of the Protection of the Black Sea against Pollution”

⁵² Sen F. (1993) “The Black Sea Economic Cooperation: A supplement to the EC?”, *German Foreign Affairs Review*, 44(3), p.281

⁵³ Albania, Armenia, Azerbaijan, Bulgaria, Georgia, Greece, Moldova, Romania, Russia, Turkey and Ukraine

permanent secretariat, working groups of senior official and experts on sectoral topics, a development bank, a parliamentary assembly, a policy research institute. BSEC has always had much more modest and local-based concerns in mind, like, for instance, developing the transport infrastructure around the Black Sea, keeping the sea and the inflowing rivers clean, and promoting interstate cooperation in the fields of culture and education.⁵⁴ Currently, the organization has two big projects of Black Sea cooperation. The first one is the building of a highway ring around the Black Sea, and the second one is the improvement of the motorways of the seas in the region.

The interest to develop a meaningful relationship between the BSEC and the EU institutions dates back several years and has been reflected in their respective policy documents. Ever since its foundation in 1992, BSEC has constantly recognized the strategic importance of relations with the EU, for sound economic, political and security reasons, in its basic policy documents.⁵⁵ On the EU side, the European Commission submitted a Communication⁵⁶ containing an assessment of the region's potential and several pertinent observations such as the emergence of valid and promising synergies in the Black Sea region and also the possibility to identify concrete fields for constructive interaction between the EU and BSEC as a regional organisation. Based on that Communication, the EU Council included in its Conclusions a section on the Black Sea region highlighting its strategic importance for the EU, the role that BSEC could play in that respect and the possible priority objectives for cooperation. During the following years, several BSEC-EU contacts at various levels took place. Although the Commission Communication of 1997 proposed the development of a new approach to its regional policy in the Black Sea area and contained specific recommendations concerning regional cooperation the focus has been mainly on bilateral relations with individual BSEC Member States using the above-mentioned instruments without involving the BSEC institutional framework. All BSEC Member States have established structured relations with the

⁵⁴ Svetlozar A. A. (2009) "Sub-Regional Cooperation and The Expanding EU : The Balkans and The Black Sea Area in a Comparative Perspective" *Journal of Balkan and Near Eastern Studies*, 11(1), p.91

⁵⁵ The Summit Declaration of the Heads of State and Government of the BSEC Member States (Moscow, 25 October 1996) affirmed their political will to cooperate with the EU in fields of common interest and invited the EU institutions to work out a common platform for developing closer contacts and cooperation.

⁵⁶ COM (97) 597 final

European Union in the following forms: membership (Bulgaria, Greece and Romania), accession negotiations (Turkey), Partnership and Cooperation Agreements PCAs (Armenia, Azerbaijan, Georgia, Moldova, Russia and Ukraine), Stabilization and Association Process (Albania, Serbia).

In sum, co-operation (bilaterally or multilaterally) in the sphere of economy, energy, tourism, transport, culture and education is crucial in the Black Sea area to develop efficiency and safety particularly planning multi-modal transport corridors, energy transport, security and environmental protection. This has been seen already in three cases: to the south in the Mediterranean with the Barcelona process indicated in 1995, to the southeast with the Stability Pact for the Balkans in 1999, and to the north around the Baltic and Barents Seas under the name of “Northern Dimension” in 1999.

3.4. Comparison with The Euro-Mediterranean Initiative

The EU’s prior experiences (the Northern dimension, the Mediterranean initiative) provide important references to construct a new initiative in the Black Sea region. While the practical profiles of those maritime regions are very different they naturally give rise common challenges. It appears that the EU follows a certain degree of commonality in its approaches both on the matters of organizational and institutional structure, and the choice of priority sectors. It is believed that an analysis focusing on one of the previous experience will be helpful, not only for assessing its legal and institutional framework of the Black Sea initiatives but also to evaluate strengths and weakness of the new initiatives. To this aim, Mediterranean Process will be described and then a comparison will be made with the Black Sea initiative.

Background

The Euro-Mediterranean initiative formerly known as “Barcelona Process” (in 2008 re-launched as “Union for the Mediterranean”) is the general framework for the relations between the European Union, member states and partners across the Southern Mediterranean and the Middle East.⁵⁷

⁵⁷ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority

In November 1995, at the end of the Barcelona conference “The Barcelona Declaration”⁵⁸ and a work programme were unanimously adopted by the participating countries. It comprises a set of general principles and common objectives in around 40 sectors. But it is based on three main guiding principles: equality in the partnership; complementing rather than displacing bilateral activities; comprehensiveness, decentralization and gradualism in the approach.⁵⁹ Declaration created new multilateral structures and updated bilateral structures and unilateral (intra-EU) mechanisms bringing together economic and security aspects and also comprises a social, human and cultural dimension. As it is stated in the preamble, the participants affirm their desire to go beyond the traditional bilateralism that has long characterized Euro-Mediterranean relations and to give these relations a new dimension, based on comprehensive cooperation and solidarity.

It was considered that, security, socioeconomic and cultural problems as multi-faceted, interlinked and the multilateral dimension was relevant in the Barcelona Process, as the overall goals of the Euro-Mediterranean Partnership would only be achieved by the constant cooperation of all the parties involved. The choice of a multi-dimension has advantages and disadvantages. It provides valuable flexibility (by allowing participants to give more importance to trade, development or foreign policy depending on the circumstances). The difficulty lies with the obligation to have a proper overview of several logics of intervention unfolding simultaneously.⁶⁰

Together with the multilateral framework, the EU has kept a separate structure for its bilateral relations with each of the Mediterranean partners. Association and Cooperation Agreements (first generation agreement) signed by the Community with individual Mediterranean states have progressively been upgraded to Euro-Mediterranean Association Agreements (EMAA).⁶¹ Although they are bilateral agreements and provide for specific arrangements with each partner State, the association agreements share a similar structure.

⁵⁸ See declaration http://ec.europa.eu/external_relations/euromed/docs/bd_en.pdf (01.07.2009)

⁵⁹ Philippart, E. (2003) *The Euro-Mediterranean Partnership: Unique Features, First Results and Future Challenges*, CEPS Middle East Working Papers, no. 10. Brussels, p.1

⁶⁰ Philippart E. (2003) p.7

⁶¹ List of the agreements are available at:

http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/mediterranean_partner_countries/r14104_en.htm, (02.07.2009)

They are intended to promote regular dialogue on such political and security matters, trade, with the gradual liberalization of trade in goods, services and capital etc.

Unilateral framework has been set for the management of intra EU process. According to the management procedure defined in the 1999, the Commission submits a draft of the measure to the Committee for opinion. The Commission adopts the measure that applies immediately. If the measure is not in accordance with the Committee's opinion, it is communicated to the Council. The Council has three months to take a different decision, acting by qualified majority. The European Parliament is informed by the Commission of the Committee's proceedings on a regular basis.⁶²

The Barcelona process also set goals designed to lead to a free trade area in the Mediterranean region by 2010. The energy and transport policies are a key element of the partnership for both the EU Member States and the Mediterranean partners because of the planned creation of a Euro-Mediterranean free trade area by 2010.

With regard to the transport system, the Declaration stresses the importance of developing and improving infrastructures, including through the establishment of an efficient transport system. The participants agreed to respect the principles of international maritime law, in particular freedom to provide services in international transport and free access to international cargoes. They stated that the results of the ongoing multilateral trade negotiations on maritime transport services being conducted within the World Trade Organisation (WTO) will be taken into account when agreed. They agree to undertake and to encourage cooperation between local authorities and in support of regional planning and to strengthen scientific research capacity and development, contribute to the training of scientific and technical staff and promote participation in joint research projects based on the creation of scientific networks and promote cooperation on statistics in order to harmonize methods and exchange data.⁶³

In 1998 Euro Mediterranean Transport Forum was created to co-ordinate common approaches and to develop an integrated regional transport system.

⁶² Philipart E.(2003) p.3

⁶³ The Barcelona Declaration (footnote 58), p.5

European Commission published Communications⁶⁴ to define the broad lines of Euro-Mediterranean cooperation in the field of transport in order to inject new momentum into the transport sector.

These Communications were analyzed that, the most important modes of transport in this region are air and sea transport and restructuring of the sector is essential in order to attract investments to the region and also for the efficient running of the Euro-Mediterranean free trade area being developed. Although there is momentum in this field with the Euro-Mediterranean Transport Forum, the results obtained to date fall far short of the Barcelona mandate. Some of the key points of this mandate were declared as, infrastructure; organization of transport operations and freedom to provide international transport services; safety and environmental protection.

The first Euro-Mediterranean Transport Ministerial Conference, which took place in 2005, identified the main priorities for the development of the transport sector. On this occasion, the ministers of transport of the EU and the Mediterranean called for an intensification of the cooperation with and within the Mediterranean region in the field of transport. In order to achieve this, they solicited the Euro-Mediterranean Transport Forum comprising public administration officials from Mediterranean Countries, representatives of the European Commission, as well as representatives of other international organizations and institutions, to produce a five-year Regional Transport Action Plan (RTAP)⁶⁵ for the period 2007 to 2013.

According to the RTAP, the actions especially those concerned with regulatory reform are considered to implement at the national level but monitor at the multilateral level. This is planned to be done in the framework of the Euro-Mediterranean Transport Forum and with technical support provided by the European Commission through ongoing and future Euro-Mediterranean regional projects such as SAFEMED⁶⁶, Motorways of the Sea, The Euro-

⁶⁴ COM (2000) 497 final; COM (2001) 126 final

⁶⁵ To the final version of RTAP see, “<http://www.euromedtransport.org/232.0.html>”, (10.07.2009)

⁶⁶ The SAFEMED Project is a response to the interest of the EU to develop cooperation in the field of maritime safety and security, as well as in marine environmental issues, with the Mediterranean Partners

Med Satellite Navigation Project (GNSS) as well as technical assistance and twinning programmes at bilateral level.

In 2008 the Barcelona Process, was re-launched as the Union for the Mediterranean at the Paris Summit for the Mediterranean in July, with the new network of relations endorsed at the Marseille Meeting of the Euro-Mediterranean Ministers of Foreign Affairs in November. It is declared by this re-launching, “it aimed to infuse a new vitality into the Partnership and to raise the political level of the strategic relationship between the EU and its southern neighbours. While maintaining the *acquis* of its predecessor, the Barcelona Process, the Union for the Mediterranean offers more balanced governance, increased visibility to its citizens and a commitment to tangible, regional and trans-national projects.”⁶⁷ The Union for the Mediterranean has identified six priority projects which are at the heart of the of Partnership’s efforts. Regarding the maritime transport they agreed on the de-pollution of the Mediterranean Sea and the establishment of maritime and land highways.

Comparative analysis

At the first sight it can be concluded that, the EU is moving towards a certain degree of similarity in its approaches to both of two areas (the Mediterranean and the Black Sea). While the political profiles of these maritime regions are very different they naturally give rise to many common policy challenges, including those issues that are based on non-political matters of regional maritime geography.

However, it should be underlined that the Euro-Mediterranean partnership has a slightly different experience. EU has thematic dimension in the Euro-Mediterranean process. Together with the bilateral agreements, multilateral communication is playing important role there. But in the Black Sea area even though they stress the importance of multilateral communications especially in the context of neighbourhood policy⁶⁸, initiative is still mainly based on bilateral tradition. It can be an advantage for the Black Sea initiative since

⁶⁷ See details in web page: http://ec.europa.eu/external_relations/euromed/index_en.htm (15.07.2008)

⁶⁸ The Black Sea initiative adds a multilateral regional dimension to the ENP, which had been entirely built around bilateral between Brussels and individual countries.

bilateral nature of this initiative helped in speeding up the process through stronger practical cooperation, by enhancing the political dialogue, achieving interoperability and developing defence reform. Bilateral nature permits the EU to tailor programs according to the specific needs of each country, thus increasing the level of bilateral cooperation, leaving aside the difficult multilateral environment that the EU has with border countries. On the other hand, bilateral approach can be a disadvantage because of the nature of the area it is an undeniable truth that without multilateral agreement initiative can't be successful.

In the case of Euro-Mediterranean Partnership no regional mechanism pre-existed and the EU has carried out most of the strategic, conceptual and managerial bulk of the work.⁶⁹ EU has been the motor of the regional cooperation, defining priorities and the scope of cooperation. By bringing the region into the centre of the European agenda, the EU has obliged its member states to address its challenges.⁷⁰ However in the Black Sea area other forms of regionalism such as BSEC had been before the EU's initiative.

The Euro-Mediterranean Partnership was come into existence in 1995 long before the EU's Black Sea initiative. The existence of precedents in the EU's regional policies in particular the Mediterranean Partnership, provides a useful pool of accumulated experience, know-how and practical solutions that can be selectively adapted to the specific needs and possibilities of the Black Sea region.

It can be concluded that, the development of a Black Sea regional approach would thus fill an acutely perceived gap in current EU policies in a region of considerable, and growing, importance for Europe. In this respect, the enhancement of the BSEC-EU relations would be the first step towards the creation of an overall EU regional policy (dimension) concerning the wider Black Sea area, in order to coordinate all the relevant EU policies targeting this area

⁶⁹ Tassinari, F. (2006) *A Synergy for Black Sea Regional Co-operation: Guidelines for an EU Initiatives*, CEPS Policy Brief No.105, Centre for European Policy Studies: Brussels p.3

⁷⁰ *ibid.* p.4

Chapter 4 The context of the Black Sea Synergy

4.1 General

It is obvious that, previous experience which has been seen already in three cases: to the south with the Mediterranean Process, to the Stability Pact and to the north with the Northern Dimension, provide some reference for EU initiative in the Black Sea.

However, before development the Black Sea initiative, the EU had already Black Sea regional policies. Furthermore, Turkey due to its geographical location, strategic role in strengthening economic, political and cultural cooperation in the region and its pre-accession process with the EU has special importance in the Black Sea region. This chapter will focus on selected sectors (environment, energy and transport) and on Turkey's influence in the region.

4.2 Pre-Black Sea Initiative

The EU has contributed significantly to the regional sectoral initiatives and programmes in key areas of regional cooperation in the region. Trans-European Networks: the INOGATE (Interstate Oil and Gas Transport to Europe) programme and multilateral agreement, the TRACECA (Transport Corridor Europe-Caucasus-Asia) and the Black Sea PETrA (Pan-European Transport Area) programmes on transport, and the DABLAS (Danube-Black Sea Environmental Task Force) initiative can be given as important regional sectoral initiatives and programmes in key areas of regional cooperation of the EU.

The idea of Trans-European Networks (TENs) emerged by the end of the 1980s in conjunction with the proposed Single Market. The demands for efficient TENs correspond to very real economic and social needs. The Treaty establishing the European Union provides a legal basis for the TENs. Under the terms of Chapter XV of the Treaty (Articles 154, 155 and 156), the European Union must aim to promote the development of Trans-European Networks as a key element for the creation of the Internal Market and the reinforcement of Economic and Social Cohesion. This development includes the

interconnection and interoperability of national networks as well as access to such networks. The justification of TENs was spelt out in the Commission's White Paper on growth, competitiveness and employment.⁷¹ The proposal on guidelines for development of TENs⁷² was tabled in April 1994 by the Commission to the Council and the European Parliament. It covers the objectives, priorities, identification of projects of common interest and broad lines of measures for the three sectors concerned - Transports, Energy and Telecommunications.

Apart from Trans-European networks, the beginning of the 90's was the years of the awareness of severe environmental degradation at the Black Sea and the Danube River Basin. As a response to the environmental degradation an EU Communication⁷³ adopted in 2001, which highlighted priority actions required to improve the environmental situation in the region, the DABLAS Task Force was set up in November 2001 with the aim to provide a platform for co-operation for the protection of water and water-related ecosystems in the Danube and Black Sea Region.

4.2.1 Priority sectors

The European Commission's Black Sea document use "synergy" keyword in its title to show that its previous policies are already in place and they need to be made the best synergies. The Communication sets out mainly 13 topics which could be the subject of regional initiatives in its context. It is going to be discussed three main subjects which are believed important for this dissertation context.

4.2.2 Environment

The Black Sea with the adjoining Azov Sea, forms an enclosed basin with a catchment area of over two million km². Due to a large catchment area compared to surface area the Black Sea is very vulnerable to pressure from human activity. It is the most isolated sea being bordered by countries with intensive agriculture and several harbours without or with very limited (waste) water treating capacities. The water pollution arising from this has a very

⁷¹ COM(93) 700 final

⁷² COM (94)106 final

⁷³ COM (2001) 615 final

important (negative) impact on the marine environment of the Black Sea. It is a known fact that pollution does not stop at borders. The physical environment needs a global approach thus national efforts and regional and international cooperation and active measures are necessary to protect the region.

In this regard, Black Sea cooperation has already achieved a high degree of institutionalisation, which over the years has been enriched by various new programmes and mechanisms.⁷⁴

In 1992 Convention on the Protection of the Black Sea against Pollution (Bucharest Convention) which is the first regional environmental agreement, was signed.⁷⁵ The International Commission for the Protection of the Black Sea (ICPBS) was established to implement the Bucharest Convention with a secretariat in Istanbul, in which all six Black Sea littoral states are represented.⁷⁶ Basic objective of the Convention is stated as enable contracting parties to prevent, reduce and control the pollution in the Black Sea to protect and preserve the marine environment and to provide legal framework for co-operation and concerted actions to fulfil this obligation. The EU is an important partner of the ICPBS, and provides substantial contribution to the protection of Black Sea. The European Commission has an observer status in the ICPBS. In the report on the first year of implementation of the Black Sea Synergy document⁷⁷, accession of the European Union to the Bucharest Convention is stated as a priority.

In addition, The Black Sea Environmental Programme (BSEP)⁷⁸ financed by the UN Global Environmental Facility (GEF) was established in September 1993. The BSEP established its headquarters in Istanbul with the support of the Government of Turkey by

⁷⁴ Tassinari F.(2006), p.6

⁷⁵ It is ratified by all six legislative assemblies of the Black Sea countries (Bulgaria, Georgia, Romania, Russia, Turkey and Ukraine) at the beginning of 1994

⁷⁶ It is made up of six commissioners (one for each coastal country) and a chairman. Chairmanship for one year and rotates between coastal countries.

⁷⁷ COM (2008) 391 final

⁷⁸ The BSEP has three primary objectives: to strengthen and create regional capacities for managing the Black Sea ecosystem; to develop and implement an appropriate policy and legal framework for the assessment, control and prevention of pollution and the maintenance and enhancement of biodiversity, and to facilitate the preparation of sound environmental investments. Activities are funded with associated contributions from the European Union's PHARE and TACIS programmes as well as bilateral contributions from Canada, the Netherlands, Switzerland and France.

early 1994, and a work plan agreed by National Coordinators (Ministers of the Environment, or their Deputies).

The Black Sea Strategic Action Plan (BS-SAP) is adopted by the six coastal states in 1996. It defines measures, actions and timetable for setting up and achieving the environmental objectives of the Bucharest Convention. The Representatives of the six Littoral States assessed and approved also the document on "Maritime Risk Assessment in the Black Sea".⁷⁹

In June 1998, for the first time, a joint meeting of the Transport and Environment Councils took place. This signalled a cultural change and recognition that the protection of the environment is significant feature of transport policy.⁸⁰

In October 2001 the Commission adopted a Communication on environmental co-operation in the Danube - Black Sea Region,⁸¹ and the situation has been further improving through the cooperation of the International Commission for the Protection of the Danube River, also stimulated by the EU, and The Commission on the protection of the Black Sea Against Pollution. In November 2001 European Commission launched the DABLAS Taskforce, precisely to provide regional environmental cooperation of a more precise direction and effective coordination. This was in response to the EC Communication mentioned above, which highlighted priority actions required to improve the environmental situation in the region and aims to coordinate the actions of the Black Sea and Danube Commissions, Black Sea and Danube countries, bilateral donors, and international financial institutions: EBRD, EIB, and World Bank.

In 2005 Marine Strategy Directive⁸² is adopted by the EU Commission with the aim to address marine environment problems at regional level. Moreover, with the accession of

⁷⁹ According to the agreed Maritime Risk Assessment document, "The strategic location of the Black Sea at the crossroads of Europe, Asia and the Middle East and as an important transit route makes it vulnerable to asymmetric risks. Instability in the Black Sea region would have widespread implications for the security and stability of the Euro-Atlantic area. While there is no security void in the Black Sea maritime areas, asymmetric risks, organized crime and environmental risks are the main security challenges which might be encountered".

⁸⁰ Greaves R. (2000), p.95

⁸¹ COM (2001) 615 final

⁸² COM (2005) 504 final

Bulgaria and Romania at the beginning of 2007, the EU has directly reached the Black Sea shores, which was the final step towards a strict environmental regime. In the Black Sea Synergy document is stressed the importance of regional processes implementation.

Although the analyst and working document point out and stress the particular importance of bilateral frameworks for co-operation between the EU and third countries, as well as multilateral frameworks including the Partnership and Co-operation Agreements concluded with the majority of the neighbouring countries, the Action Plans in the Black Sea region, it can be conclude that there is not satisfied workable agenda for implementation in that region.

The Black Sea synergy should play more active role to integrate the comprehensive inter-sectoral approach of the Black Sea Commission (and of the BS-SAP therein) with the more effective implementation method of DABLAS. First year implementation report shows that with regard to the environmental issue, the Black Sea synergy couldn't have been enough active and effective.

4.2.3 Energy

More recently the most significant economic-related issue has become the transportation of energy resources. To facilitate investment in regional energy transportation infrastructure projects in Europe and the Caucasus regions with the view to enhancing the safety and security of the energy supply within the regions and to Europe is very important.

The Black Sea is undisputedly an energetic gate to Europe. By 2030 the EU states will import roughly 90 % of oil, 60 % of gas, and 66 % of coal consumptions.⁸³ The supply of oil to the EU originates from a number of countries. Currently, Russia is the major foreign supplier of oil, accounting for 26 % of EU consumption, followed by Norway with 13%, Saudi Arabia with 9%, Libya with 8% and Iran with 5%. The EU's indigenous production makes up 18% of overall consumption.⁸⁴ Russia's major relevance as an oil gas supplier to the EU affects directly and indirectly the foreign policies of the EU and its member states.

⁸³ For details see COM(2006)105 final

⁸⁴ Commission of European Communities: Commission Staff Working Document, "EU Energy Policy Data," SEC(2007) 12, Brussels, 10 October, p.12

Taking into account that Russia already the major EU supplier and that the Middle East's political risk, the Caspian Sea Basin has attracted specific interest as an alternative oil producing region.⁸⁵ Therefore more importantly perhaps than the issue of energy dependence as such, appears to be the strategic need to diversify resources as well as transportation routes. Because of its geographic location as a bridge to the energy rich countries of the Black Sea region will be of major importance for the EU as an energy transit corridor.⁸⁶

Although EU energy relations with its neighbours have primarily a bilateral nature, a regional approach has been come into existence the past decade. The INOGATE has provided as an international agreement for 21 countries which is a coordination mechanism for supporting enhanced cooperation in the field of energy.⁸⁷ The Commission published Green Paper on energy in 2006.⁸⁸ It adds very little on the role of the Black Sea region in the EU energy strategy.⁸⁹ The Commission has proposed a common external energy policy in 2007.⁹⁰ In this way the regional dimension, which includes the neighbouring region of the Black Sea, becomes a central focus.

In the Black Sea Synergy document, Commission underline the energy supply diversification through investment in a new trans-Caspian trans-Black Sea corridor, sustainable and ecological oil dimension and possible energy policy legal framework for ENP countries. With regard the energy sector the EU appears make some progress especially on multilateral initiatives such as engaging with littoral countries to negotiate Energy Community Treaty.

⁸⁵ Mangott G. and Westphal K. (2008), "The Relevance of the Wider Black Sea Region to EU and Russian Energy Issues" in Hamilton D. and Mangott G.(eds.): *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Washington, D.C.: Centre for Transatlantic Relations, p.150

⁸⁶ *ibid*, p.154

⁸⁷ Tassinari F.(2006), p.8, It is supported by the EU Black Sea and Caspian Sea Basin and its Neighbouring Countries Energy Cooperation Secretariat, as was agreed at the Astana Ministerial Conference On 30 November 2006

⁸⁸ COM(2006)105 final

⁸⁹ Tassinari F.(2006), p.8

⁹⁰ COM (2007) 00001 final

4.2.4 Transport

Transport infrastructure has always been high on the European agenda. Although, transport was considered a common policy in the EC Treaty until 1985 - before the push towards completing the single market, and a landmark ruling by the European Court of Justice - that the EU Member States did not pay serious attention to this requirement. The 1992 Maastricht Treaty finally gave the EU a true ability to take action on transport and Trans-European networks for transport and energy were incorporated into the Maastricht Treaty as a major policy objective. It was further developed with the introduction of the trans-European network title in the EC Treaty which came into force in November 1993. The aim was to create truly trans-European routes for all modes of transport (road, rail, air, sea, inland waterway etc.) concentrating essentially on “big-ticket cross-border projects to link up separate national systems.”⁹¹ Lists of 14 priority projects were drawn up for completion by 2010. One of the first steps taken by the Union was to introduce coordination procedures between the Member States and Union. An EU White Paper⁹² is published in 2001. The white paper sets the challenges in the transport sector for the future. Linking the modes of transport is one of those challenges; especially challenging task is connecting sea, inland waterways and rail efficiently. The development of “Motorways of the Sea” as a “real competitive alternative to land transport” is dedicatedly mentioned in the white paper.

The Black Sea area is an important area for EU to develop its priority corridors which go west-east. In the field of transport, joint initiative involving all Black Sea countries has led a series of Pan-European Transportation Conferences with the purpose of identifying the transportation infrastructure and developing multi-modal and regionally integrated transport network. This serves link to the Pan European Transport Corridors west of the Black Sea with those to the north, as well as with the TACIS funded TRACECA corridor through the Caucasus.

Currently, there is no direct transport connection between Europe and Asia. The infrastructure, including multimodal terminals, where loads could be re-loaded from one

⁹¹ European Commission Directorate-General for Press and Communication Manuscript finalised in June 2003, “Europe at a crossroads: The need for sustainable transport”, Brussels, 2003, p.8

⁹² COM(2001) 370 final

type of transport to another, from one type of vehicle to another linking Danube river transport with transport in Black Sea, and through it with Asia is an interesting connection.

In the context of the transport sector, there are three main initiatives and processes under way in that region.

The Transport Corridor Europe-Caucasus-Asia

The Transport Corridor Europe-Caucasus-Asia (TRACECA) Programme was launched at a conference in Brussels in May 1993 which brought together trade and transport ministers from the original eight TRACECA countries, where it was agreed to implement a programme of the European Union (EU) funded technical assistance (TA) to develop a transport corridor on a west - east axis from Europe, across the Black Sea, through the Caucasus and the Caspian Sea to Central Asia. It set up an Inter-Governmental Commission and a permanent secretariat. The Secretariat supervises the implementation of the decisions of the Commission and puts forward appropriate proposals to ensure the realization of the multilateral agreement.

The transport cooperation is organized through a basic multilateral agreement signed by the countries concerned.⁹³ The cooperation in the region resulted in viability and dynamic development of the TRACECA corridor.

Baku Process

The Baku process is the European Commission and the countries of the Caspian and Black Sea Regions' new co-operation process aimed at the progressive integration of their energy and transport markets. The "Baku Initiative" was launched on the occasion of the Energy Ministerial Conference held in Baku on 13 November 2004 with the participation of the European Commission and the Black Sea and the Caspian Littoral States and their neighbours, namely Azerbaijan, Armenia, Bulgaria, Georgia, Iran (observer), Kazakhstan, Kyrgyz Republic, Moldova, Russian Federation (observer), Romania, Tajikistan, Turkey, Ukraine and Uzbekistan gathered to discuss transport issues in the region.

⁹³ These are: Afghanistan, Armenia, Azerbaijan, Bulgaria, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, Romania, Tajikistan, Turkey, Ukraine and Uzbekistan. Pakistan and Iran have applied for TRACECA membership.

Transport is vital to satisfying the growing global energy demand and securing the transfer of energy supplies from more inaccessible regions to areas with high energy consumption. The need for enhanced cooperation between the EU and its partners in the Caspian is one of the most important factors to begin Baku Process.

Extension of The Major Trans-European Transport Axes to The Neighbouring Countries

Following the ministerial seminar that took place in Santiago de Compostela, Spain in June 2004, the European Commission decided to establish a High Level Group from the EU and neighbourhood countries, on the “extension of the major trans-European transport axes to the neighbouring countries and regions”.⁹⁴ The high level group addresses five major transnational axes in the entire European neighbourhood.⁹⁵ The Black Sea is between two of these: the “*Central Axis*” including the Northern Black Sea⁹⁶ and the “*South-eastern Axis*” including the Southern Black Sea⁹⁷ (linking the Balkans, Turkey, Caucasus and Caspian).⁹⁸

It is obvious that such network improvements, will be not only helpful for enhancing the Black Sea region’s natural advantages as a genuine transit area, but would also influential to promote social cohesion and balanced regional growth, strengthening security and sustainable development dimensions for the whole region, thus making European and even Euro-Atlantic communities considerably safer and more secure.

With regard to the transport sector, in the Black Sea Synergy the European Commission stated that, they will support regional transport cooperation with a view to improving efficiency, safety and security. And the paper underline transport policy dialogue with a

⁹⁴ European Commission: “Networks for Peace and Development: Report High Level Group Chaired by Loyola de Palacio”, Brussels, November 2005

⁹⁵ See Map in Annex II

⁹⁶ It is linking the centre of the EU to Ukraine and the Black Sea and through an inland waterway connection to the Caspian Sea. Connections towards Central Asia and the Caucasus are also foreseen, as well as a direct connection to the Trans-Siberian railway and a link from the Don/Volga inland waterway to the Baltic Sea.

⁹⁷ It is linking the EU through the Balkans and Turkey to the Caucasus and the Caspian Sea as well as to Egypt and the Red Sea. Access links to the Balkan countries as well as connections towards Russia, Iran and Iraq and the Persian Gulf are also foreseen.

⁹⁸ COM (2007) 32 final

view to regulatory approximation⁹⁹ would remain a central goal. In other words, the Black Sea Synergy offers a framework to improve coordination between relevant EU and regional policies as well as wide-ranging programmes such as the development of major transnational transport axes, the Motorways of the Sea or the Black Sea Ring Highway.

4.3 Turkey and its contribution to the Black Sea Region

It is believed that in a debate on the EU's new initiative in the Black Sea area, Turkey and its contribution towards the region must be analyzed since, Turkey has played important role in strengthening economic, political and cultural cooperation in the region.¹⁰⁰

First of all the Black Sea Economic Cooperation which was launched by Turkey fifteen years ago is clear contribution of Turkey to the common welfare of the nations of the Black Sea region since the BSEC contributes to the creation of a regional identity has a major role in developing regional stability and prosperity.

The idea of establishing a multinational naval on-call peace task force "The Black Sea Naval Co-Operation Task Group-BLACKSEAFOR" has been initiated by Turkey at the second Chiefs of the Black Sea Navies (CBSN) meeting for the purpose of enhancing peace and stability in the Black Sea area, by increasing regional co-operation, and improving good relationship. BLACKSEAFOR establishment agreement was signed by Bulgaria, Georgia, Romania, Russian Federation, Turkey and Ukraine on 2 April 2001 in Istanbul. It was first activated in Golcuk/Turkey between 27 September-16 October 2001 under the Turkish command.¹⁰¹

From the energy perspective Turkey is of particular importance. It is geographically located in close proximity to majority of the world's proven gas and oil reserves, in particular those in the Middle East and the Caspian basin. It thus, forms a natural energy bridge between

⁹⁹ It has to be specified that most of the third countries of the Black Sea region have stated their commitment to work towards convergence rather than approximation of their legislation with the EU. Approximation is an obligation of membership, which entails the fully alignment of national laws with the entire body of the EU law contained the *aquis communautaire*.

¹⁰⁰ Baran Z.(2008) "Turkey and the Wider Black Sea Region" in Hamilton D. And Mangott G. (eds.): *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Washington, D.C. Centre for Transatlantic Relations, p.88

¹⁰¹ For details see web site of Republic of Turkey Ministry of Foreign affairs : <http://www.mfa.gov.tr/blackseafor.en.mfa> (15.08.2009)

the source countries and consumer markets. Apart from geographical speciality, Turkey stands as a key country in ensuring energy security through diversification of supply sources and routes. Realized pipeline projects and others under construction, are enhancing Turkey's role as an important transit country on the Eurasia energy axis and energy hub in the region. It appears that the strategic role of Turkey will increase as a major transit energy highway between the world's economic centres and sources of energy.

With regard to the transport issues, Turkey is in the process of identifying a core network and a list of priority infrastructure projects as part of the accession negotiations. She is involved in both the Pan-European Corridors and the TRACECA corridor. On the other hand the Turkish Straits are of significant importance for shipping transport. During the last years, the amount of transported products through the Istanbul Strait has increased dramatically.

In view of to the environment field, the heavy tanker traffic, as well as the physical characteristics and peculiarities of the Turkish Straits, a maritime disaster caused by a tanker carrying hazardous cargo seems inevitable sooner or later. Such a disaster would cause the humanitarian and environmental perils. The awareness off such perils and to be ready in advance is important. Turkey has important expertise in a possible disaster. As agreed under the Black Sea Commission, Turkey organized and implemented a comprehensive Search and Rescue exercise jointly with the annual Bucharest Convention operational Black Sea Delta exercise SULH 2007¹⁰² in September 2007. The exercise was arranged in co-operation with the littoral States of the Black under the umbrella of the Black Sea Commission.¹⁰³ The exercise covered all the relevant components of maritime accidents, including marine pollution preparedness and response, fire fighting, emergency towing to safe anchorage, medical assistance, search and rescue (SAR), oil pollution response off shore and shore line clean-up and claims and compensation issues with a scenario based on collision of an oil tanker and a Ro-Ro passenger vessel, 12 nautical miles

¹⁰² For details see: <http://www.denizcilik.gov.tr/tr/sulh.asp> (16.08.2009)

¹⁰³ Russian Federation and Romania contributed the exercise by equipment and trained staff and other Black Sea littoral states participated with observers.

off the Turkey's Black Sea coast so called Karadeniz Ereğli. It is believed that, this experience will be beneficial in environment field to increase effectiveness of the response and to annihilate catastrophic results of marine accidents resulting in oil pollution.

In addition to awareness and to be prepared to environmental perils, it appears that to find alternative solutions such new export options that by-pass the Straits has also vital importance. For instance, Baku-Tbilisi-Ceyhan crude oil pipeline system or the Nabucco Natural Gas Pipeline project which envisage the transportation of natural gas via Turkey through Bulgaria, Romania and Hungary to Austria, is bypassing the environmentally sensitive Black Sea and the Turkish Straits. Turkey supports these projects, which will contribute to the energy supply security of Europe.

It is believed that the overall effect of Turkey's contribution would be positive to the Black Sea region and the EU.

Chapter 5 Concluding Observations

The Black Sea region is acquiring greater significance in today's world and provides for an interesting case study for a variety of reasons. The Black Sea region lies at the middle of Europe, Central Asia and the Middle East, characterised by close historical and cultural ties, and great potential, but also immense diversities. The region comprises Bulgaria, Romania, Turkey, Armenia, Azerbaijan, Georgia, Greece, the Republic of Moldova, Ukraine and the Russian Federation. The strategic environment of the Black Sea region has been shaped by the interaction of different factors such as European Eurasian and empires' powers and their shifting balance, the political ambitions of smaller states, the status of region as rich natural resources and as a transit route for east west and north south trade. In many ways, these factors continue to define the issues and interests in the Black Sea world today.

The Black Sea states do not show any dominant common regional identity. It is a host to a number of unresolved problems, known as "frozen conflicts", such as those within Moldova (Transnistria), Georgia (Abkhazia and South Ossetia) and between Armenia and Azerbaijan (Nagorno-Karabakh). Although accepting that the absence of common regional identity, I would argue that the area shares a lot of economic and political incentives, which create appropriate opportunities, even needs, for regional cooperation.

It is a region becoming increasingly important to Europe, the United States, Russia and other littoral states, as a key transit area for energy supply and as a line of defence against many transnational threats. It is also important for international organisations such as the EU and NATO, which aim to make the areas beyond their external borders relatively stable, while attempting to address the demands for further enlargement from their new neighbours across Central Europe and the Black Sea region.

The accession of Bulgaria and Romania has opened the gate of the Black Sea coasts to the EU, and has therefore acquired a new dimension of strategic importance for the EU, leading to the multiplication of shared challenges and objectives, as well as to renewed

opportunities for strengthened cooperation between the EU and the countries in the region. The EU for its part comes to the region with its own segmentation between four categories of states: Bulgaria and Romania are EU Member States, Turkey is a candidate country and Armenia, Azerbaijan, Georgia, the Republic of Moldova and Ukraine are ENP partners, and the Russian Federation is strategic partner of the EU with whom the EU has agreed on a strategic partnership based on four Common Spaces.

The Black Sea Synergy follows in the path of familiar logic of action that used in its previous initiatives (Mediterranean, Northern initiatives etc.) to construct a new regionalism around the Black Sea with the aims at enhancing cooperation within the region in order to address the opportunities and challenges in that area. It appears that the Black Sea Synergy stands behind the Mediterranean initiatives in respect of the multilateral communications. Even though they underline the importance of multilateral communications, initiative is still mainly based on bilateral tradition. I would argue that Black Sea Synergy would be successful only by gradually creating a feeling of shared responsibility among the Black Sea countries for the region's common challenges. EU and the Black Sea littoral states have common interests and concerns and which usefully could be addressed in a multilateral context. It should not be forgotten, that it is always helpful to observe examples and experience. BSEC could be given as a very good benchmarking example of a comprehensive and multidimensional regional organization, facilitating frequent vertical, horizontal, bilateral and multilateral contacts and transactions at different levels of society (including governments, parliaments, the private sector, local governments, NGOs, academic and civic institutions)

Regional cooperation in the Black Sea region is of vital importance in the promotion of creating a common political culture among the Black Sea littoral states. The enhancement of the BSEC-EU relations would be the first step towards the creation of an overall EU regional policy (dimension) concerning the wider Black Sea area, in order to coordinate all the relevant EU policies targeting this area. Dialogue, the GUAM Organization for Democracy and Economic Development and other sectoral organisations, according to their specific expertise, and strengthening cooperation with them, could provide an appropriate framework for creating synergies.

The Black Sea Synergy addresses all conceivable issues with the exception of hard security and military affairs. It sets out mainly 13 topics that could be the subject of regional initiatives. It appears that in particular, the negotiations with littoral countries (ENP, PCAs and the accession negotiations), regional cooperation, transport, energy, maritime and environmental issues, and are among the top priorities of the initiative.

Undoubtedly, the importance of the Black Sea region will grow substantially in the coming future due to its strategic location and the economic potential. Transport, energy, the environment are extremely important sectors not only for guaranteeing the safe and efficient transit corridors at the region but also for the future economic development of the region.

The field of environment,

An important concern come from the environmental area, since the environmental situation of the Black Sea is nearly catastrophic. It has been affected by uncontrolled pollution and aggravated by numerous ecological accidents. The Danube River, is an important source of pollution, pours domestic and industrial wastes into the waters of the Black Sea. The increase in shipping traffic creates a potential risk for oil spills or other hazardous material in the Black Sea. The water pollution arising from all of those sources has a very serious impact on the marine environment of the Black Sea.

It is important to be understood by all littoral states that the transboundary nature of the environmental problems. The pollution does not stop at borders. Thus national efforts and regional and international cooperation and active measures are necessary to protect the region.

The implementation of international rules and multilateral environmental agreements and cooperation are vital for building consensus and creating sustainable solutions in the region. Even though high degree of institutionalisation of cooperation in environment sector in the Black Sea region, it can be conclude that there is not enough workable agenda for implementation.

The Black Sea synergy should have had more comprehensive and effective approach towards the environmental issues such as creating new environmental projects and

workable agenda which covers much more active engagement with Black Sea regional cooperation. It should have been taken into account that the cooperation in the fields of the environment should not be limited to energy and transport issues but should provide a comprehensive approach taking into account the needs of the region.

The field of energy.

The Black Sea is a major energy transit zone. The need for energy creates a necessity for closer cooperation. Around the Black Sea some countries hold a lot of energy resources, especially gas and oil. There are also other countries, which are in need of energy. Furthermore there are some countries that have a important role to play in for diversification and security of energy supply. With this respect Turkey is of particular importance. It is geographically located in close proximity to majority of the world's proven gas and oil reserves, in particular those in the Middle East and the Caspian basin. It thus, forms a natural energy bridge between the source countries and consumer markets. The trans-Caspian/trans-Black Sea energy corridor and the Nabucco, Constanța-Trieste and AMBO pipelines, as well as other planned gas and oil transit projects crossing the Black Sea, are enhancing Turkey's role as an important transit country on the Eurasia energy axis and energy hub in the region. It appears that the strategic role of Turkey will increase as a major transit energy highway between the world's economic centers and sources of energy.

It is strategically important for the EU as a production and transmission area for diversification and security of energy supply. Thus the energy cooperation is situated at the heart of the Black Sea Synergy.

The EU and the Black Sea countries are willing to improve their energy efficiency, particularly by implementing policies favouring the development of renewable energies and environmental protection. With this respect main problem for the countries wishing to cooperate between themselves and with the EU appears how to create a functional overlap between the various sub-regional identities and the scope of a particular sub-regional organization. In this point EU's Black Sea initiative can play reactive role in order to create a functional overlap between pre-existing initiatives.

The field of transport,

The Black Sea, because of its strategic location, constitutes a unique link between Europe and Asia with a very important role in world trade. Currently, there is no direct transport connection between Europe and Asia. The exchange of goods needs better infrastructure such as roads, railways, effective maritime corridors including multimodal terminals, where loads could be re-loaded from one type of transport to another, from one type of vehicle to another linking Danube river transport with transport in Black Sea, and through it with Asia is an interesting connection.

It is obvious that, the creation of new infrastructure and viable transport corridors diversifying both suppliers and routes, such the INOGATE and TRACECA projects connecting the Black Sea and Caspian Sea regions and the development of technically and administratively interoperable transport connections between the countries of the Black Sea Region and the EU are issues of utmost importance for economic growth, facilitation of trade and connecting people in that region.

It is submitted that cooperation and multilateral dimension are important means to create such a complex infrastructure and to promote the further development of international cargo and passenger transportation in the Black Sea Area as a linkage between Europe and Asia and for increasing foreign trade efficiency and ensuring the growing demand in reliable and environmental friendly transport ties.

The EU and the Black Sea countries must pursue and extend their cooperation to rehabilitate and renew infrastructure in the areas of transport and energy.

The European Union needs to awaken to regional realities and to use the opportunity to enhance its relations not only with the individual countries of the region but also with the Black Sea space as such BSEC in order to adopt a coherent, effective and result-oriented regional policy approach. It is believed that the Black Sea Synergy paper has to be followed by further consistent steps on the part of the EU to encourage a genuine regional dimension tailored to this area.

To sum up, after all above discussion it would be concluded that, the new regional approach should target workable agenda for which the Commission should provide a

detailed action plan envisaging concrete objectives, benchmarks and follow-up and constituting a basis for enhancing the EU's involvement in the region as well as intra-regional cooperation.

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Annex I



Annex II

